

Mayor Jay Don Watson  
Mayor Pro Tem Paul Madison

Councilmembers  
Russell Bradley  
Ben Hardeman  
Joe Marín  
Boyd Sheffield  
Ernie Wentrcek

## **AGENDA**

**BRYAN CITY COUNCIL  
REGULAR MEETING  
TUESDAY, JANUARY 27, 2004 – 4:30 P.M.  
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING  
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

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- 1. CALL TO ORDER (Room 305)**
- 2. EXECUTIVE SESSION** – The City Council has determined a necessity to go into a closed to the public session under the provisions of Section 551, Texas Government Code, and the following topics may be discussed: under the authority of Section 551.071, consultation with attorney - seek advice of legal counsel regarding pending litigation, *Brazos Valley Coalition for Life, Inc., Donald Parsons, et al, versus City of Bryan, Texas*, Civil Action No. #H-02-4363, in the U.S. District Court, Southern District of Texas, Houston Division; seek advice of legal counsel regarding the performance of contractual obligations for the Traditions project and pending litigation related thereto; and under the authority of Section 551.087, deliberation regarding economic development negotiations – discussion of offer of financial or other incentives for development of cinema/restaurant complexes in east Bryan.
- 3. OPEN SESSION FOR ACTION FOLLOWING EXECUTIVE SESSION, IF NECESSARY (COUNCIL CHAMBERS)**
- 4. INVOCATION (Approximately 6:00 p.m. – Elder Powell, Church of Jesus Christ of Latter Day Saints) AND PLEDGE OF ALLEGIANCE**
- 5. PROCLAMATIONS AND PRESENTATIONS**
  - February 2004: American Heart Month
  - Recognition of Eagle Scouts
- 6. HEAR CITIZENS**
- 7. REZONING REQUEST**
  - a. Public Hearing – [Rezoning Request \(RZ 03-17\)](#) – Missy Pollard**

Receive public comment regarding a request to amend the Comprehensive Zoning Ordinance No. 756, as amended, changing the zoning classification of ‘SF-5’ Single Family-5000 to ‘O’ Office

for approximately 1.67 acres located 1202 Hoppess Street, being part of Lots 1-5 and 11, and all of Lots 7-10, and a portion of the alley, Block 1, Hoppess Addition, Bryan, Brazos County, Texas.

**b. First Reading of an Ordinance – [Rezoning Request \(RZ 03-17\)](#) – Missy Pollard**

First reading of an ordinance of the City of Bryan, Texas, amending the Comprehensive Zoning Ordinance No. 756, as amended, changing the zoning classification of ‘SF-5’ Single Family-5000 to ‘O’ Office for approximately 1.67 acres located 1202 Hoppess Street, being part of Lots 1-5 and 11, and all of Lots 7-10, and a portion of the alley, Block 1, Hoppess Addition, Bryan, Brazos County, Texas.

**8. CONSENT (AUTOMATIC APPROVAL) AGENDA**

This agenda consists of ministerial or “housekeeping” items required by law. Items may be removed from the consent agenda by majority vote of the Council.

**a. Approval of [Minutes](#) – Workshop and Regular Meetings of January 13, 2004.**

**b. Award of Contract – [Arbor Drive Drainage Improvements Project](#) – Linda Huff**

Consider award of construction contract to JSD Construction in an amount not to exceed \$49,850 for the Arbor Drive Drainage Improvements project, subject to the submittal of required bonds and insurance. Source of Funds: Drainage Utility Fund.

**c. Award of Contract – [Coulter Airfield Hangar Access Roads](#) – Linda Huff**

Consider award of construction contract to Texcon General Contractors, Inc., in an amount not to exceed \$103,702 for the Coulter Airfield Hangar Access Road project, subject to the submittal of the required bonds and insurance.

**d. Award of Contract – [Koch Street Sanitary Sewer Improvements Project](#) – Linda Huff**

Consider award of construction contract to Texcon General Contractors, Inc., in an amount not to exceed \$94,572.60 for the Koch Street Sanitary Sewer Improvements project, subject to submittal of required bonds and insurance.

**e. Consideration – [Electrical Upgrade for Water Wells](#) – Roger Dempsey**

Consider award of contract to Elliott Electric Supply of Bryan, Texas, in the amount of \$51,228 for the electrical upgrade for water wells thirteen and sixteen. Source of Funds: 2001 Water Bond Fund. ([Bid Tabulation](#))

**f. Consideration – [Acquisition of a Special Operations Truck](#) – Roger Dempsey**

Consider approval of acquisition of a special operations truck for the Bryan Fire Department via a special grant received from the federal government – Office of Domestic Preparedness. The vehicle is to be purchased by TEEX through H-GAC contract with Philpott Motor, Ltd., of Nederland, Texas, in the amount of \$63,654. Source of Funds: There will be no city funds used for this purchase.

**g. Second and Final Reading of an Ordinance – [Rezoning Request \(RZ 03-13\)](#) – Joey Dunn**

Second and final reading of an ordinance of the City of Bryan, Texas, amending the Comprehensive Zoning Ordinance No. 756, as amended, of the City of Bryan, Texas, changing the zoning classification of ‘SF-5’ Single Family-5000 to ‘C’ Commercial District for approximately 0.51 acres located northeast of the intersection of Winter Street and Burnett Street, situated in the Winter Estate Subdivision, portions of Lots 22 and 23 of Block 8, Bryan, Brazos County, Texas.

**h. Second and Final Reading of an Ordinance – [Rezoning Request \(RZ 03-15\)](#) – Missy Pollard**

Second and final reading of an ordinance of the City of Bryan, Texas, amending the zoning classification of ‘I’ Industrial to ‘SF-5’ Single Family-5000 for approximately 0.619 acres located at 1010 Groesbeck Street, being Lots 1, 2, 4 and the adjoining northeast one-half of Lot 5, situated in the Roberts Addition, Bryan, Brazos County, Texas.

**i. Second and Final Reading of an Ordinance – [Fiscal Year 2004 Budget Amendment](#) – Kathy Davidson**

Second and final reading of an ordinance of the City of Bryan, Texas, amending Ordinance No. 1436; increasing budget appropriations for Fiscal Year 2004 from \$206,933,566 to \$207,336,099 and allowing for additional transfers between City funds.

**j. Second and Final Reading of an Ordinance – [Alley Closing \(AC 03-04\)](#) – Missy Pollard**

Second and final reading of an ordinance executing the closing of ten feet of a twenty-foot wide alley within Block 202 of the Bryan Original Townsite, lying and being situated in Bryan, Brazos County, Texas; authorizing the Mayor to execute quitclaim deeds to the abutting property owner.

**k. Second and Final Reading of an Ordinance – [Alarms](#) – Freddie Komar**

Second and final reading of an ordinance of the City of Bryan, Texas, amending Chapter 15, Article III, “Alarms” of the City Code by deleting Section 15-45 in its entirety and amending Sections 15-39 and 15-41.

**9. STATUTORY AGENDA**

This agenda consists of items previously approved by Council action, such as adoption of items that are part of an approved budget or capital improvements project, first readings of ordinances, or action which is required by law or delegated to the City Manager. Items may be removed from the statutory agenda at the request of two Councilmembers.

**a. Consideration – [Henderson Park Expansion Project](#) – David Schmitz**

Consider award of contract to Stewart Builders in the amount of \$3,071,083 for the Henderson Park Expansion project. The project is being assisted with funding by a grant from the Texas Parks and Wildlife Department in the amount of \$500,000, the Bryan Independent School District in the amount of \$50,000 and the lease of 1.5 acres, and the Milam Elementary PTO in the amount of \$3,000. The remaining amount of \$2,518,083 will come from 2001A Certificates of Obligation and 2003 Certificates of Obligation. The cost for construction of the project, including the base bid and all of the add alternates is \$3,071,083. Source of Funds: TPWD Matching Grant in the amount of \$500,000, Bryan ISD in the amount of \$50,000, Milam

Elementary PTO in the amount of \$3,000 and City of Bryan 2001A Certificates of Obligation in the amount of \$1,318,083 and 2003 Certificates of Obligation in the amount of \$1,200,000. ([Bid Tabulation](#))

**b. Consideration – [Brazos County Interlocal Agreement](#) – Linda Huff**

Consider approval of an interlocal agreement between the City of Bryan and Brazos County for the construction of a wastewater collection line to extend along West 28<sup>th</sup> Street outside the city limits. The County applied and has been awarded a Texas Community Development Program grant by the Office of Rural Community Affairs for the construction of a sewer line along West 28<sup>th</sup> Street in the City's ETJ. The sewer line will replace approximately 25 residential septic systems and provide for more sanitary conditions. The grant was made contingent upon the City of Bryan contributing the sum of \$32,000. Source of Funds: 2001 Wastewater Revenue Bonds.

**c. Resolution – [Research and Planning Grant](#) – Paul Kaspar**

Adoption of a resolution of the City Council of the City of Bryan, Texas, authorizing the City Manager or her designee to submit a flood protection planning application to the Texas Water Development Board (TWDB) for a research and planning grant for a master drainage plan for the Upper Carters Creek watershed; granting authority for the City of Bryan to enter into a contract with the Texas Water Development Board upon grant approval; stating the intent to commit local matching funds and in-kind services. Source of Funds: Drainage Utility Fee Fund and Engineering Staff Time.

**d. Resolution – [Emergency Shelter Grant Program](#) – Alsie Bond**

Adoption of a resolution of the City of Bryan, Texas, authorizing the Mayor to make application for State Emergency Grant Program Funds; designating the Mayor as the representative for the City and setting forth some of the duties; authorizing the Texas Department of Housing and Community Affairs to examine records relative to the grant; and appointing the Mayor as the local official.

**e. First Reading of an Ordinance – [Renaming Altura Drive](#) – Joey Dunn**

First reading of an ordinance of the City of Bryan, Texas, deleting the name of Altura Drive and renaming the thoroughfare Altura Court as originally intended by the developer.

**10. REGULAR AGENDA**

This portion of the agenda consists of items requiring individual consideration by the Council.

**a. Consideration – [Appointments to the Community Development Advisory Committee](#) – Mary Lynne Stratta**

Consider the appointment of two individuals to the Community Development Advisory Committee, one for a term ending December 31, 2005, and one for a term ending December 31, 2004.

**b. Consideration – [Tax Increment Reinvestment Zone Number Sixteen](#) – Kevin Walker**

Consider authorizing publication of a notice of public hearing on the creation of City of Bryan Reinvestment Zone No. 16 for Industrial Tax Abatement, on a 1.09 acre tract of land being a

portion of Lots 5A2-R and 3-R, Block 5, Brazos County Industrial Park, Phase II, Bryan, Brazos County, Texas, for Kent Moore Cabinets. The hearing will be at 6:00 p.m. in Council Chambers, Bryan Municipal Building, 300 South Texas Avenue, on February 10, 2004.

**11. COUNCIL COMMITTEE REPORTS**

**Intergovernmental Committee  
City of Bryan/Bryan ISD Committee**

**12. CITY MANAGER'S REPORT AND COUNCIL CONCERNS**

Staff recognition, upcoming meetings and events, reports on attendance at meetings and events, future Council agenda items.

**13. ADJOURN**

FOR INFORMATION ON SIGN LANGUAGE INTERPRETATION, TDD OR OTHER TRANSLATION OR ACCESSIBILITY INFORMATION, PLEASE CONTACT THE PUBLIC INFORMATION OFFICER AT 209-5120. PLEASE TRY TO CONTACT THE ABOVE PERSON AT LEAST 48 HOURS BEFORE THE SCHEDULED TIME OF THE MEETING SO THAT YOUR REQUEST MAY BE ACCOMMODATED.